

#5
8/6/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	<i>Application No.</i>	10/050,102
	<i>Filing Date</i>	18 January 2002
	<i>First Named Inventor</i>	Norman G. ANDERSON
	<i>Group Art Unit</i>	1634
	<i>Examiner Name</i>	F. Lu
	<i>Attorney Docket No.</i>	2316-150
<i>Title of the Invention:</i> DETECTION AND CHARACTERIZATION OF MICROORGANISMS		

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

SEP 03 2002

TECH CENTER 1600/2900

Dear Sir:

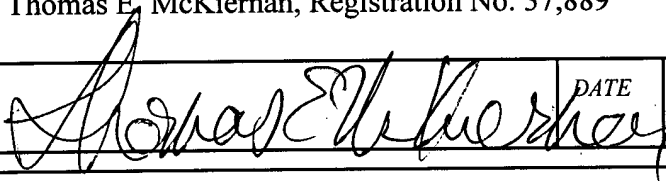
In response to the Office Action mailed July 30, 2002, the Applicant elects Group II, claims 52 and 53 with traverse. With respect to the Species, the Applicant elects Species 5(2): all elected claims seem to fall in this species, with traverse; Species 6(2): all elected claims seem to fall in this species, with traverse; and Species 7(1): all elected claims seem to fall in this species, with traverse. Reconsideration of the Election/Restriction is respectfully requested.

REMARKS

It is submitted that all of the claims should be examined together because claim 52 is simply claim 1 with some additional steps, and thus references pertaining to them both will necessarily be classified together, or at least cross-referenced to one another. It is thus inappropriate to restrict the pending claims into two groups.

The three election of species apply to Group I. None of them seem to apply to the elected claims. Furthermore, all three election of species are improper for the elected claims because the elected claims are not concerned with the issues and limitations in the election of species. Searching one species involves inherently searching all other species and thus the consideration of these ought to be no undue burden.

Withdrawal of the restriction requirement is earnestly solicited.

RESPECTFULLY SUBMITTED,					
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SIGNATURE				DATE	August 30, 2002
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